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FEB. 6. 2006 3:57PM PERMAN & GREEN, LLP

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III. REMARKS

In the Office Action, claims 10-12, 14-15, and 17-18 were mentioned in the Summary of the Office Action as being objected to, but were not otherwise discussed in the Office Action. In the previous Office Action, these claims were said to have allowable subject matter, and it is presumed that the status of these claims as having allowable subject matter carries over into the present Action.

Claims 1, 13, 16 and 19 were rejected under 35 U.S.C. 103 as being unpatentable over Blanc (US 6661777) in view of Lodenius (US 5799091) for reasons set forth in the Action. Claims 2 and 5-9 were rejected under 35 U.S.C. 103 as being unpatentable over Blanc in view of Lodenius and Schulz (US 6571101), and claims 3 and 4 were rejected under 35 U.S.C. 103 as being unpatentable over Blanc in view of Lodenius and Quick (US 5673259) for reasons set forth in the Action.

With respect to the rejections under 35 U.S.C. 103, the following argument is presented to distinguish the claimed subject matter from the teachings of the cited art, thereby to overcome the rejections, and to show the presence of allowable subject matter in all of the claims.

In the Action, the examiner notes (page 3 at lines 6-11) that Blanc fails to disclose the inventive feature of allocating a piece of radio communication capacity . . . and utilizing said piece of radio communication capacity . . . allocated to a non-dedicated fast signaling channel for conveying fast signaling messages . . . The examiner then relies on Lodenius (column 6 at lines 45-48) to disclose a FACCH channel that utilizes capacity from the traffic channels for fast signaling needs.

The cited passage from Lodenius states that a FACCH channel steals capacity from the traffic channels for fast signaling needs. This is the only material in Lodenius upon which the examiner relies. The matter of what constitutes a non-dedicated channel is set forth in the present specification (page 4 at lines 16-26) which teaches that a non-dedicated channel does not have limits as to who can access the channel.

The examiner, in part 4 of the Action, makes reference to a discussion of non-dedicated and dedicated channels from Applicant's previous response (page 9, lines 15-17), and refers to this discussion as a definition of the two types of channels.

The examiner then concludes that a FACCH channel could not be a dedicated channel since it steals capacity from the traffic channels for fast signaling needs.

It is urged, respectfully, that the examiner errs in that the referenced passage from Lodenius describes how the FACCH channel is established, namely, by borrowing capacity from some other channel (a traffic channel). The referenced passage does not describe how the FACCH channel is allocated to a signaling function. With reference to the aforementioned discussion of what constitutes a non-dedicated channel, set forth in the present specification (page 4 at lines 16-26), it is noted that the specification teaches that a non-dedicated channel does not have limits as to who can access the channel.

Thus, the determination of whether a channel is to be regarded as a non-dedicated channel, is based on freedom of allocation and/or access to the channel. The determination is not based on how the channel is developed or established, such as by

borrowing or stealing capacity from a traffic channel as taught by Lodenius.

Since the teaching in Lodenius, relied upon by the examiner, discusses development or construction of the channel, rather than allocation of the channel or access to the channel for the transmission of signaling commands, the combination of the teachings of Blanc with Lodenius fails to suggest the present invention and, furthermore, presents a situation where there can be no motivation to combine the two references.

Furthermore, the passage of Lodenius, cited by the examiner, should be read in the context of the entire paragraph (Lodenius, col. 6 at lines 29-48) which lists numerous types of channels, both traffic and control channels, that can be provided by the Lodenius RTX 106 device. One of the listed channels that can be provided by the Lodenius device is the FACCH channel, cited by the examiner.

Lodenius does not state whether the FACCH channel is a dedicated channel or a non-dedicated channel. The examiner's position, stated at the end of Point 4 (page 6 of the Action) that a FACCH channel could not be a dedicated channel is believed to be in error for the reasons established in the foregoing argument. In fact, the examiner's position is in error also because, in the usual practice of construction of telephony systems, the FACCH channel is a dedicated channel as is evidenced by a listing of articles set forth in an Appendix included with this response.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable

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APPENDIX: citations showing that FACCH is a dedicated channel. Emphasis has been added in the form of bold typeface.

"Dedicated point-to-point channels. The **dedicated point-to-point channels** are divided into two main groups, the **dedicated signaling channels** and the **traffic channels**. The **dedicated signaling channels** are used to set-up the connection, and the **traffic channel** of a variety of rates is used to convey the user information once the session is established. Both channel types have in-band signaling: SACCH for e.g. link monitoring, and **FACCH** for time-critical signaling during e.g. a handover. The **FACCH** "steals" the entire traffic burst for signaling." (from "Explanation Of GSM Channel Structures", <http://www.tele-servizi.com/janus/engfield2.htm>)

SDCCH, SACCH and **FACCH** are all under the common heading "**DEDICATED CONTROL**" in the channel diagram found on slide #40 of "Overview of GSM Cellular Network and Operations",  
<http://web.syr.edu/~gsriniva/tech/docs/GSM.ppt>

"The **dedicated control channels DCCH** include a fast associated control channel (**FACCH**), a slow associated control channel (**SACCH**), and a standalone dedicated control channel (**SDCCH**)."  
Patent publication PCT/US99/13102, page 3, lines 7-9.

"The S-CCPCH carries both the PCH and **FACCH** dedicated logical channels." (From: "3G Wireless Systems, A Comprehensive Study",  
[http://personal.stevens.edu/~nmavraki/Academics/Papers/3G\\_Wireless/3g\\_wireless.html](http://personal.stevens.edu/~nmavraki/Academics/Papers/3G_Wireless/3g_wireless.html))

**"DCCH: Dedicated Control Channels**

- » **SDCCH: Stand-Alone Dedicated Control Channels –**  
Service rqst, subscriber authentication, cipher init, etc.
- » **ACCH: Associated Control Channels—out of band**  
signaling, e.g., to exchange SS measurements

Fast (**FACCH**) and slow (**SACCH**) control channels"  
(From "CS 294-7: Cellular Telephony", Prof. Randy H. Katz, CS Division, University of California, Berkeley;  
<http://www.sss-mag.com/pdf/1cellular.pdf>)

**DCCH: Dedicated Control Channels;** responsible for roaming, handovers, encryption etc. (See **SDCCH**, **SACCH** and **FACCH**) (From: "Glossary of Mobile Phone Terms & Acronyms",  
<http://www.maxabout.com/gadgets/mobiles/kb/showarticle.aspx?ID=717>)

**"DCCH: Dedicated Control Channels (SDCCH, SACCH and FACCH)** (From: "Telecom Glossary Page",  
<http://indreias.50webs.com/pages/D.html>)

**"DCCH: Dedicated Control Channels;** responsible for roaming, handovers, encryption etc. (See **SDCCH**, **SACCH** and **FACCH**) (From "Glossary for mobile communication terms", Wirelessguide,  
<http://www.wirelessguide.us/s-wireless-network-10.html>)